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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,790	06/28/2001	Joseph Dara-Abrams	080398.P444	8907

7590 01/23/2003

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EXAMINER

WACHSMAN, HAL D

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,790

Applicant(s)

DARA-ABRAMS ET AL.

Examiner

Hal D Wachsman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-29 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Hal D Wachsman
Primary Examiner
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1. Claim 29 is objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 29, line 2, cites "the testing consumer electronic device" however the antecedent basis is "at least one testing consumer electronic device". The examiner asks the applicant to better claim the limitation cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitation cited above. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6, 8, 9, 11, 16-18 and 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Babula et al. (6,381,557).

As per claim 1, Babula et al. (see at least abstract) disclose the receiving step. Babula et al. (Abstract, col. 6 lines 15-35, col. 7 lines 12-28, col. 11 lines 4-25, 48-59) disclose the providing step.

As per claim 3, Babula et al. (col. 11 lines 4-59) disclose the feature of this claim.

As per claims 4 and 5, Babula et al. (see at least abstract) disclose the features of each of these claims.

As per claim 6, Babula et al. (Abstract, col. 6 lines 36-42) disclose the feature of this claim.

As per claims 8 and 9, Babula et al. (see at least abstract) disclose the features of each of these claims.

As per claim 11, Babula et al. (Abstract, col. 6 lines 15-35, col. 7 lines 12-28, col. 11 lines 4-25, 48-59) disclose the collecting step. Babula et al. (see at least abstract) disclose the utilizing step and "when the problem is identified, notifying a user about the problem".

As per claim 16, Babula et al. (Abstract, col. 7 lines 24-41, col. 9 lines 5-39) disclose the features of this claim.

As per claim 17, Babula et al. (Abstract, col. 8 lines 58-67, col. 9 lines 1-22) disclose the feature of this claim.

As per claim 18, Babula et al. (Abstract, col. 4 lines 34-39) disclose the feature of this claim.

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As per claim 22, Babula et al. (see at least abstract) disclose the feature of this claim.

As per claim 23, Babula et al. (see at least abstract) disclose the means for receiving information as described in lines 3-4 of the claim. Babula et al. (Abstract, col. 6 lines 15-35, col. 7 lines 12-28, col. 11 lines 4-25, 48-59) disclose the means for providing a diagnostic procedure as described in the last 4 lines of the claim.

As per claim 24, Babula et al. (see at least abstract) disclose the user interface as described in lines 3-4 of the claim. Babula et al. (Abstract, col. 6 lines 15-35, col. 7 lines 12-28, col. 11 lines 4-25, 48-59) disclose the gateway device as described in the last 4 lines of the claim.

As per claim 25, Babula et al. (Abstract, col. 6 lines 15-35, col. 7 lines 12-28, col. 11 lines 4-25, 48-59) disclose the means for collecting data. Babula et al. (see at least abstract) disclose the means for utilizing the collected data and the means for notifying a user.

As per claim 26, Babula et al. (Abstract, col. 6 lines 15-35, col. 7 lines 12-28, col. 11 lines 4-25, 48-59) disclose "a data collector to collect data...faulty consumer electronic device locally". Babula et al. (see at least abstract) disclose "a problem identifier to utilize the collected data...faulty consumer electronic device" and "a user interface to notify...when the problem is identified".

As per claim 27, Babula et al. (see at least abstract) disclose "one or more potentially faulty consumer electronic devices" and "at least one testing consumer electronic device....faulty consumer electronic devices". Babula et al. (Abstract, col. 6

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lines 15-35, col. 7 lines 12-28, col. 11 lines 4-25, 48-59) disclose "a diagnostic procedure host device....at least one testing consumer electronic device locally".

As per claims 28 and 29, Babula et al. (see at least abstract) disclose the features of each of these claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 2, 7, 10, 12-14 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babula et al. (6,381,557) in view of the Applicant's Admissions of the prior art .

As per claim 2, Babula et al. (see at least abstract) disclose what is described in this claim with the exception of the use of a home network. However, the Applicant's Admissions of the prior art (page 10 lines 13-16, page 12 lines 7-13 of the specification) teach this excepted feature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Babula et al. as specified above because as taught by the Applicant's Admissssions of the prior art (page 12 lines 11-13 of the specification) the HAVi standard provides a home network architecture which is open, scaleable, platform independent, and language neutral.

As per claim 7, Babula et al. (see at least abstract) disclose what is described in this claim with the exception of the use of a home network. However, the Applicant's Admissions of the prior art (page 10 lines 13-16, page 12 lines 7-13 of the specification) teach this excepted feature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Babula et al. as specified above because as taught by the Applicant's Admissssions of the prior art (page 12 lines 11-13 of the specification) the HAVi standard provides a home network architecture which is open, scaleable, platform independent, and language neutral.

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As per claim 10, Babula et al. (Figure 10) disclose what is described in this claim with the exception of the use of a home network. However, the Applicant's Admissions of the prior art (page 10 lines 13-16, page 12 lines 7-13 of the specification) teach this excepted feature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Babula et al. as specified above because as taught by the Applicant's Admissions of the prior art (page 12 lines 11-13 of the specification) the HAVi standard provides a home network architecture which is open, scaleable, platform independent, and language neutral.

As per claim 12, Babula et al. (see at least abstract) disclose what is described in this claim with the exception of the use of a home network. However, the Applicant's Admissions of the prior art (page 10 lines 13-16, page 12 lines 7-13 of the specification) teach this excepted feature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Babula et al. as specified above because as taught by the Applicant's Admissions of the prior art (page 12 lines 11-13 of the specification) the HAVi standard provides a home network architecture which is open, scaleable, platform independent, and language neutral.

As per claim 13, Babula et al. (Abstract, col. 5 lines 15-24, 45-53, col. 7 lines 24-33) disclose the features of this claim.

As per claim 14, it would have been obvious to a person of ordinary skill in the art at the time the invention was made that stimuli such as a sequence of test

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vectors were notoriously well known in the art and that measurement instructions would be needed to specify what exactly in the potentially faulty consumer electronic device needs to be tested.

As per claim 19, Babula et al. (Abstract, figure 10) disclose the feature of this claim with the exception of the use of a home network. However, the Applicant's Admissions of the prior art (page 10 lines 13-16, page 12 lines 7-13 of the specification) teach this excepted feature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the Applicant's Admissions of the prior art to the invention of Babula et al. as specified above because as taught by the Applicant's Admissions of the prior art (page 12 lines 11-13 of the specification) the HAVi standard provides a home network architecture which is open, scaleable, platform independent, and language neutral.

As per claims 20 and 21, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a reference signature of a known properly operating equipment consumer electronic device to which comparisons can be so as to detect abnormalities.

6. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following references are cited as being art of additional general interest: Hershey et al. which disclose both local and remote diagnosis of electronic equipment and Kuwabara which discloses a control computer with a diagnostic data memory for

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storing diagnostic data which are used for diagnosing locally troubles occurring in the device.

8. Applicant's arguments filed 11-4-02 have been fully considered but they are not persuasive. With respect to the arguments at the bottom of page 10 of the reply the Examiner respectfully notes, as indicated in Webster's II New Riverside University Dictionary, a consumer is a buyer that acquires goods or services. Thus, in the Babula et al. reference, a hospital or a buyer or administrator representing the hospital or clinic who buys the imaging electronic systems is a consumer. These medical diagnostic systems therefore are indeed consumer electronic devices, thus Babula et al. certainly does disclose the diagnosing of consumer electronic devices. With respect to the arguments on page 10 of the reply the Examiner further respectfully notes the definition of local from the same dictionary cited above: 1. Of or relating to a specific place 2. Relating to, existing in, or serving a specific locality. Thus, even if Babula diagnoses the faulty consumer electronic devices at the service facility (see block 22 in the Abstract) the location of the service facility relates to a specific place in which local diagnosis is occurring. If we consider looking at the abstract figure, the facility (20) and everything to the left of network connection (80) to be locally, then with respect to the field service unit (24), col. 11 lines 48-55 of the Babula et al. reference explicitly states: "In particularly, the field service unit may be equipped with service applications....such as for **analyzing diagnostic system performance data**....Other service applications may include applications generally similar to those executed on the operator workstations 86 of the service facility..Such applications may permit the field service engineer to **address**

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service requests at the diagnostic site, or remote from the site as required....".

Furthermore, the management station (see block 70) as described in column 6, lines 19-23, 28-31) which is clearly locally within the facility (20) has the ability to view system operational parameters, analyze system utilization and incorporate **some or all of the service functionality** (i.e. the management station like the service facility (22) can diagnose potentially faulty consumer electronic devices locally).

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
January 16, 2003